IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(C).No. 8020 of 2007(D)

PETITIONER:

P.V.SHERIF, ROYAL PALACE,
THEKKEMURI, SOORANADU NORTH VILLAGE.

BY ADV. SRI.RASHEED C.NOORANAD

RESPONDENTS:
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1. THE CIRCLE INSPECTOR OF POLICE,
SASTHAMKOTTA.

2. THE SUB INSPECTOR OF POLICE,
SOORANAD.

3. SANKARANKUTTY,
PUTHENPURAVADAKKATHIL,
PALLI MURI, PORUVAZHY VILLAGE.

4. DISTRICT COLLECTOR, KOLLAM.

5. THE REVENUE DIVISIONAL OFFICE,
KOLLAM.

6. GEOLOGIST, GEOLOGY DEPARTMENT,
KOLLAM.

7. THE SECRETARY, PORUVAZHY GRAMA
PANCHAYATH.

BY ADV. SRI.S.SUDHEESHKAR
SRI.K.VINAYAKUMAR
SRI.B.MOHANLAL FOR R3.
GOVERNMENT PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/03/2007, ALONG WITH WPC NO. 3382 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:	THE RELEVANT PHOTOGRAPHS OF THE PROPERTY SHOWING ITS LIE AND NATURE.
EXT.P2:	COPY OF THE ORDER OF THE COURT OF THE MUNSIFF-MAGISTRATE, SASTHAMCOTTA, DATED 02.01.2007.
EXT.P3:	COPY OF THE WRITTEN COMPLAINT SUBMITTED BEFORE 2ND RESPONDENT.
EXT.P4:	COPY OF THE JUDGMENT DATED 19.02.2007 IN W.P.(C).NO. 2625/2007.
EXT.P5:	COPY OF THE ORDER OF THE REVENUE DIVISIONAL OFFICER, KOLLAM DATED 05.03.2007.

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BKN // TRUE COPY//

P.A. TO JUDGE.

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO. 8020 OF 2007
and
W.P.(C).NO. 3382 of 2007

Dated this the 20th day of March, 2007.

JUDGMENT

Koshy, J.

W.P.(C).NO. 8020 OF 2007 is a petition for police protection. Petitioner wants to remove soil from the western portion of his property in order to level the property for the construction of a multi storied building as permitted in Ext.P2 order. The petitioner wanted only to remove the soil up to the road level and only that part of land necessary for the construction of shop building. The petitioner also obtained Ext.P2 order from the Munsiff-Magistrate Court. dated 2.1.2007. The earlier order passed by the R.D.O. was vacated considering the fact that petitioner is not mining the soil. The soil is only removed for the purpose of levelling, up to the road level for the construction of the shop building. However it is submitted by the counsel for R3, that he has filed a C.M.A before the Appellate Court. Appellate court shall decide the question untrammeled by any observation made in this judgment. In the absence of any stay order, police shall give necessary protection for removal of soil up to the road level as permitted by Ext.P2. However, police should also see that no soil is excavated from eastern portion of the property as ordered in

Ext.P2.

In the light of the above, no separate order is necessary for W.P.(C). No.3382/2007, as it is not a case of sand mining.

Writ Petitions are disposed accordingly.

J.B.KOSHY, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

bkn